

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DAREN G. BROOKINS

§

§

vs.

§

CIVIL ACTION 6:15cv1010

§

COMMISSIONER, SOCIAL

§

SECURITY ADMINISTRATION

§

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED
STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and that the complaint be dismissed with prejudice. Plaintiff filed written objections on September 14, 2017.

Having made a *de novo* review of the objection filed by Plaintiff, the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objection is without merit. There is substantial evidence in the record supporting the Commissioner's decision and the ALJ applied the correct legal standards. In his objection, Plaintiff asserts that the Report and Recommendation does not consider whether the record supports the ALJ's finding that his activities of daily living support the RFC finding. The occupational therapy record cited by Plaintiff in her brief and in her written objections, however, does not show error. The ALJ's opinion thoroughly summarized the medical evidence of record, Plaintiff's assertions concerning his limitations, and Plaintiff's activities of daily living. The ALJ applied the correct legal

standards. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

ORDERED that Plaintiff's objection is **OVERRULED**. The decision of the Commissioner is **AFFIRMED** and this Social Security action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **22** day of **September, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge